IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**and**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NOs : 34306 of 1998, 14232 of 2004, 15384 of 2004, 17223 of 2004, 17446 of 2004, 17673 of 2004, 18043 of 2004, 18207 of 2004, 19319 of 2004, 19816 of 2004 and 22485 of 2004**

**WRIT PETITION NO : 34306 of 1998**

Between:

1. The Government of Andhra Pradesh Rep.by its Principal

Secretary to Govt. of A.P.Genl.Admn.Department,

Secretariat Buildings, Hyderabad.

2. The Secretary to Government, Home Dept.,

Government of Andhra Pradesh , Secretariat,

Hyderabad.

3.The Chairman, State Level Police Recruitment Board, A.P.

Office of the Director General and Inspector General of
Police, Lakadikapool, Hyderabad.

4.Deputy Inspector General of Police, Hyderabad.

5.Commissioner of Police, Hyderabad.

**..... PETITIONER(S)**

AND

1.Y.Yugender Reddy S/o Kondal Reddy, age 27 years,
R/o Dhacharam M/o Mothkur, Dist. Nalgonda.

2.Muppidi Sunil Kumar S/o Anantha Reddy, Aged 28 years,
R/o 3-1-219, Christian Colony, Karimnagar.

3.Muppidi Ram Kumarreddy S/o Venkata Reddy,

aged 31 years, C/o H.No.5-11-63,Vidya Rangorpuri,

Manakonda, Warangal District.

4.V.Madhusudhan Reddy S/o Venkat Reddy, 28 years,
C/o H.No.1-6-243/2/A,Jamisthanpur Musheerabad,

Hyderabad.

5.M.Jithender Reddy S/o Ranga Reddy, age 26 years,
R/o Will Post, Dacharam, Mandal Mathkur,

Nalgoda District.

6.Nagavaram Mahender Rao S/o Arjun Rao, abged about

27 years R/o Boddupallim Devarkonda Mandal,
Nalgonda District.

(R.6 to 24 are not necessary parties here)

7.Sreepathi Kondal Reddy S/o Laxma Reddy, aged about 26

years, C/o Room No.89 D.Hostel, O.U.Campus,Hyderabad.

8.Laxmi Narsimha Reddy S/o Ram Reddy, aged about 26 years,
C/o Plot No.48 Vasavi Nagar Road, Nagarjuna Nagr,Colony,
Kushaiguda,Hyderabad.

9.B.Narsimha Reddy S/o Bali Reddy, aged about 26 years,
C/o C. Hostel, Room No.37, O.U.Campus, Hyderabad.

10.G.Madhusudhan Reddy S/o Krishna Reddy, aged about

27 years C/o E2.Hostel, Room No.45,O.U.Campus,
Hyderabad.

11.K.Satish Kumar S/o Kaladhar Rao, aged about 26 years,
C/o Room No.5 C.Hostel,O.U.Campus, Hyderabad.

12.Rama Chandra Rao Ponugoti S/o Narsimha Rao, aged
about 27 years, R/o Moghalai Kota, Kodad Mandal

Nalgonda District.

13.P.Bixapathi Rao S/o Laxma Rao, aged about 26 years,
C/o Room No.33 Old P.G. Hostel, O.U.Campus, Hyderabad.

14.A.Krishna Rao S/o Yadaiah, aged about 27 years,
C/o 1-9-18/4/1,Ramangar X Roads, Hyderabad.

15.B.Sammi Reddy S/o Linga Reddy, aged about 29 years,
C/o Room No.20, E2 Hostel, O.U. Campus, Hyderabad.

16.B.Laxma Reddy S/o Linga Reddy, aged about 26 years,

C/o Room No.20, E2 Hostel, O.U. Campus, Hyderabad.

17.M.Srinivasa Reddy S/o M.Narasimha Reddy, aged

about 29 years, C/o Room No.5,E2 Hostel, O.U.Campus,

Hyderabad.

18.C.Ajay Babu S/o Narsimha Reddy, aged 26 years,
C/o Room No.29,Old P.G. Hostel, O.U. Campus, Hyderabad.

19. A.P.A.T.Hyderabad, Rep. by its Registrar.

20.Y.Prakash Reddy S/o Y. Siddarami Reddy, aged about

26 years, R/o Room No.19,C.Hostel, O.U. Campus,

Hyderabad,

21.R.Srinivas Reddy S/o R. Sudarshan Reddy, aged about

26 years, R/o Room No.19, C .Hostel, O.U. Campus,

Hyderabad,

22.Ch.Ramamurthy Naidu S/o Ch. Krsihna Rao, aged about

28years, R/o Room No.19, C. Hostel, O.U. Campus,

Hyderabad,

23.M.V.Srinivasa Rao, Aged about 33 years, R/o Room No.19,

C. Hostel, O.U. Campus, Hyderabad,

24.Md.Anifur Rehman, aged about 27 years, R/o Room No.19,

C. Hostel, O.U. Campus, Hyderabad,

25.P.Kasivishwanadham, aged about 31 years, R/o Room No.19,

C. Hostel, O.U. Campus, Hyderabad,

26.K.Satishchandra Rao, aged about 28 years, R/o Room No.19,

C.Hostel, O.U. Campus, Hyderabad,

27.P.Raghunath S/o Kumariahm aged about 31 years,

R/o Room No.19,C.Hostel, O.U. Campus, Hyderabad,

28.K.Sriman Reddy, aged about 28 years, R/o Room No.19,

C. Hostel, O.U. Campus, Hyderabad,

29.P.C.V.Subba Reddy, aged about 29 years, Rajampet,

Cuddapah district.

30.J.Kalinga Reddy, aged about 26 years,
R/o Room No.19, C. Hostel, O.U. Campus, Hyderabad,

31.P.Bikshapathi Rao, aged 27 years, R/o Room No.19, C.Hostel,

O.U. Campus, Hyderabad,
(Respondents 20 to 31 are impleaded as per court order

Dated: 1-4-99 in WPMP.3552/99)

32.M.Raveendar Reddy S/o M. Bakka Reddy,
H.No.1-9-286/2/428, Ramnagar Gundu,
Hyderabad.

(RR.32 to 40 are impleaded as per court order dt.14-10-99

passed in W.P.M.P.No. 13533/99 in W.P.No.34306/98)

33.B.Linga Reddy S/o Venkanna, Post Yergatla

Morthad(M), Nizamabad District

34.R.Srinivas S/o R.Satyanarayana,
R/o H.No.5-117,Shabunagar, Miryalaguda(P),
Nalgonda District

35.P.Venkateshwarlu S/o P.Ramaiah,
R/o Chillapur(V), Thungapahad(Post),

Miryalaguda(M), Nalgonda(D),

36.S.Madan Mohan Reddy S/o S.Pakeera Reddy
R/o H.No.7-35,Madhurapuri Colony,

Dilsukhnagr, Hyderabad.

37.J.Ramesh Kumar S/o M.Hanumantha Rao
R/o H.No.9-4-31/3,Ananthanagar,Sircilla

Karimnagar District,

38.S.Giri Prasad S/o S.Bikshamaiah
R/o H.No.10-5-111, Mamillagudem,

Khammam District,

39.B.Yadagiri Swamy S/o Yadaiah
R/o H.No.5-50, L.B.Nagar, R.R. District

at Hyderabad,

40.S.V.V.Satyanarayana S/o S.Srirama Murthy
R/o Nageswarapuram, Tallapudi(M), W.G.District.

**.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari by calling the records of APAT in O.A.No.2430/98 and quash the Judgement in O.A.2430/98 & Batch, dated: 24-9-98.

**Counsel for the Petitioner: The Advocate General**

**Counsel for the Respondent No.1: Mr.K. Lakshmi Narasimha**

**Counsel for the Respondent Nos.2 to 19: None appeared.**

**Counsel for the Respondent No.20 to 40: MR.R.V.Mallikarjuna Rao**

**WRIT PETITION NO : 14232 of 2004**

Between:

1. The Chairman, State Level Police Recruitment Board,

Andhra Pradesh, Hyderabad.

2. The Director General & Inspector General of Police, A.P.

Hyderabad

3. Government of A.P., rep., by its Principal Secretary to Home

Department, Secretariat, Hyderabad.

**..... PETITIONER(S)**

AND

1.Guduru Sanjeeva, r/o Plot No.17, Shivapuri Colony,

L.B.Nagar, Hyderabad-500 074.

2.Venkat Reddy Gudibandla, P.C.No.2009, P.S.Nakrekal,
Nalgonda District 507 164.

3.Gorla Seetha Reddy, S.G.Teacher, r/o Rejerla Village,

Sathupally Mandal, Khammam District.

4.Chilumula Venkat Reddy, P.C.No.2082, Police

Station, "DINDI' Gundlapally, Nalgonda District.

**.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records connected with order dated 27-2-2004 in O.A.No.6743 of 2002 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondent Nos.1 &4: None appeared**

**Counsel for the Respondent Nos.2 & 3: MR.J.R.MANOHAR RAO**

**WRIT PETITION NO : 15384 of 2004**

Between:

1. The Chairman, State Level Police Recruitment Board,

Andhra Pradesh, Hyderabad.

2. The Director General & Inspector General of Police, A.P.

Hyderabad

3. Government of A.P., rep., by its Principal Secretary to Home

Department, Secretariat, Hyderabad.

**..... PETITIONER(S)**

AND

Sri.N.Buchaiah Police Constable No.133
P.S.Bhongir town, Nalongd Distirct

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of "WRIT OF CERITIORARI" and to call for records connected with order dated: 16/04/2004 in OA.No.5999/2003 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondent : None appeared.**

**WRIT PETITION NO : 17223 of 2004**

Between:

1. The Chairman, State Level Police Recruitment Board,

Andhra Pradesh, Hyderabad.

2. The Director General & Inspector General of Police, A.P.

Hyderabad

3. Government of A.P., rep., by its Principal Secretary to Home

Department, Secretariat, Hyderabad.

**..... PETITIONER(S)**

AND

M. Rambabu, R.S.I, 7th Battallion,
Nizamabad, Nizamabad District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of "Writ of Certiorari" calling for the records connected with order dated 27-2-2004 in O.A.No. 1061 of 2003 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondent : MR. J.R. MANOHAR RAO**

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**WRIT PETITION NO : 17446 of 2004**

Between:

1.The Govt of A.P., rep. by its Secretary to Home Dept.,
Secretariat, Hyderabad.

2.The Chairman, State Level Police Recruitment Board,
A.P. Hyderabad.

**..... PETITIONER(S)**

AND

B. Madhusudhana Goud, R/o. OWK (PO) & Mandal,

Kurnool District.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of Certiorari calling for the records connected with order dated: 27.2.2004 in O.A. No. 10047 of 2002 on the file of the Hon'le Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondent : None appeared**

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**WRIT PETITION NO : 17673 of 2004**

Between:

1. The Chairman, State Level Police Recruitment Board,

Andhra Pradesh, Hyderabad.

2. The Director General & Inspector General of Police, Andhra

Pradesh, Hyderabad

3. Government of A.P., rep., by its Principal Secretary to Home

Department, Secretariat, Hyderabad.

4.The Dy. Inspector General, Hyderabad Range, Hyderabad

**..... PETITIONER(S)**

AND

1.B.Nagaraju R.S.I. (AR) Vyas Block
Himayathnagar, Hyderabad.
2.Sk.Sultan Basha P.C.No.1943
P.S.Sullurpeta, Nellore District.

**.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of Writ of Certiorari calling for the records connected with order dated 27-2-2004 in O.A.No.2586 of 2003 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same as illegal and erroneous.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondents : MR. J.R. MANOHAR RAO**

**WRIT PETITION NO : 18043 of 2004**

Between:

1.The Government of A.P. rep by its Secretary to Home

Department, Secretariat of A.P. Hyderabad.

2.The Chairman, State Level Police Recruitment Board,
Andhra Pradesh, Hyderabad.

**..... PETITIONER(S)**

AND

1.M. Srinivasa Rao, P.C. No. 8191, Traffic, Monda Market P.S.,
Secunderabad.

2.B. Ravindeer Reddy, R/o. Room No. 12, Manjeera Hostel,
O.U. Campus, Hyderabad.

3.D. Srinivasa Rao, P.C. No. 4843, Charminar, P.S. Hyderabad.

4.G. Mahendra Reddy, R.S.I. 13 the Batallian, Mancheriala,
Adilabad District.

5.T. Laxma Reddy, P.C. No. 1287, Vigilance & APTS.,
4/7, Brodipet, Guntur, Guntur District.

**.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of "WRIT OF CERITIORARI," calling for the records connected with order dated 27-2-2004 in O.A.No. 7464/2002 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal Hyderabad and quash the same as illegal and erroneous.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondents : MR. J.R. MANOHAR RAO**

**WRIT PETITION NO : 18207 of 2004**

Between:

1.Government of A.P., rep by Principal Secretary to Home

Department, Secretariat, Hyderabad

2.The Chairman State Level Police Recruitment Board,

Andhra Pradesh, Hyderabad

**..... PETITIONER(S)**

AND

Sri Satish Chander Rao R/o A-14,

III Floor, Abids Shopping Centre, Abids,

Hyderabad

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or Direction more particularly one in the nature of Writ of Certiorari and to call for records connected with order dated 16-02-2004 in O.A. No. 7759 of 1998 on the file of hte Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondent : None appeared.**

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**WRIT PETITION NO : 19319 of 2004**

Between:

1.Government of Andhra Pradesh, Rep. by its Principal

Secretary to Home Department, Secretariat, Hyderabad.

2.The Chairman, State Level Police Recruitment Board,
Andhra Pradesh, Hyderabad.

**..... PETITIONER(S)**

AND

1.Y. Yugander Reddy S/o Kondal Reddy, aged about 27 years.
2.M. Jithender Reddy, S/o Ranga Reddy, aged about 26 years.
3.P. Ramachandar Rao S/o Narasimha Rao, aged about 27 years.

**.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Order or Direction more particularly one in the nature of "Writ of Certiorari" and to call for records connected with order dated 16-02-2004 in O.A.No.7859 of 1998 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondents: None appeared**

**WRIT PETITION NO : 19816 of 2004**

Between:

1.Government of A.P., rep. by its Principal Secretary

to Home Department, Secretariat, Hyderabad.

2.The Chairman, State Level Police Recruitment Board,
Andhra Pradesh, Hyderabad.

**..... PETITIONER(S)**

AND

1.Sri M. V. Srinivasa Rao, P.C. No. 1525, R/o. Plot No. 48,

Vinayakanagar Colony, Hayatnagar, R.R.District,

2.P. Kasiviswanadham, P.C. No. 1407, C/o. Town P.S.,

Tadepalligudem, W.G.District.

**....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ or Order or Direction more particularly one in the nature of Writ of Ceritiorari and to call for records connected with order dated: 16.02.2004 in O.A.No.7827 of 1998 on the file of the Hon'ble A.P., Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondents: None appeared**

**WRIT PETITION NO : 22485 of 2004**

Between:

1.Government of A.P., rep. by its Principal Secretary

to Home Department, Secretariat, Hyderabad.

2.The Chairman, State Level Police Recruitment Board,
Andhra Pradesh, Hyderabad.

**..... PETITIONER(S)**

AND

1.Ch. Rama Murthy Naidu, S.I. of Police,
O/o The Commissioner of Police, Cyberabad.

2.Arif-Ur-Reehman, S.I. of Police,
O/o The Commissisoner of Police, Hyderabad,

3.Y. Prakash Reddy, S.I. of Police,
O/o the S.P., Mahabubnagar.

4.R. Srinivasa Reddy, S.I. of Police,
O/o The Commissioner of Police, Hyderabad.

(All the Applicants belongs to Hyderabad City).

**.....RESPONDENT(S)**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Order or Direction more particularly one in the nature of "Writ of Certiorari" and to call for records connected with order dated 16-2-2004 in O.A.No. 7828 of 1998 on the file of the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad and to quash the same as erroneous and contrary to law.

**Counsel for the Petitioner: THE ADVOCATE GENERAL**

**Counsel for the Respondents: None appeared**

**The Court made the following :**

**COMMON JUDGMENT:**

(PER G.BIKSHAPATHI, J)

1. All the Writ Petitions can be disposed of by a common order, as they arises out of the recruitment to the posts of Sub Inspector of Police for the year 1998.

2. The Writ Petition No.34306 of 1998 was filed assailing the order passed by the A.P. Administrative Tribunal, in O.A.No.2172 of 1998 and batch, dated 24.09.1998. Subsequently, some more O.As were filed seeking relief under the Presidential Order and also basing on the order passed in O.A.No.2172 of 1998 and batch and the Tribunal granted interim directions from time to time. Finally O.As were also disposed of, without recording any finding on the merit of the case, on the ground that the applicants were appointed to the post, and as such no further orders were necessary. Aggrieved by those orders, the Government carried the matter in the present Writ Petitions. Therefore, it is found appropriate to dispose of the connected matters at a time, so as to put a quietus to the lis.

3. Before we go to other Writ Petitions, we shall consider the Writ Petition No.34036 of 1998 and batch, which were filed against the order passed by the Tribunal dated: 24.9.1998 in the batch of O.As. referred to above. However, it is necessary to refer to some essential facts leading to the filing of batch of O.As and also the Writ Petitions.

4. The State Level Police Recruitment Board (hereinafter referred to as the 'Recruitment Board') issued a notification, dated 11.03.1998, inviting applications from the eligible candidates for appointment to the posts of Sub-Inspector of Police (Civil) and Reserve Sub-Inspector (Armed Reserve) in the State of Andhra Pradesh. However, in this batch we are only concerned with Sub-Inspector of Police (Civil). The requirements inter alia for making an application to the said post is that one should have completed
21 years of age as on 01.071997 and should not have completed 25 years of age. Certain categories of persons like S.C./S.T./B.C. etc. were given age relaxations. Eligible candidates submitted their applications. At this juncture applications in O.A.No.2172 of 1998 and batch came to be filed by the O.C. candidates seeking directions to grant age concession of five years over and above the permissible notified maximum age. The relief as claimed by them in the words of the Tribunal is as follows:

> **"The O.As. filed are with a request to call for the records relating to and connected with the Advertisement in Rc.No.534/R&T/Admn.I/97, dated: 11.3.1998 and G.O.Ms.No. 561, GAD, dated: 11.10.1988 and to declare that the not extending the concession of age of 5 years in computing the upper age limit for the O.C. candidates alone as discriminatory, illegal and arbitrary and also violative of Articles 14 and 16 of the Constitution of India, as the same is based on 'descent' of an individual and violative of the Judgment in R.P.No. 2599/1987, dated: 9.10.1987, as confirmed by the Supreme Court of India and consequently quash the clause 3(a) of the Advertisement dated: 11.3.1998 and consequently that, the said age concession of 5 years relaxation in upper age limit will not apply to the posts in Police, Forest Excise and Fire Services Departments as illegal and to direct the respondents to accord uniform age concession to all the competing candidates without any discrimination as ordered by the erstwhile Tribunal in R.P.No.2599/1987."**

By virtue of the Interim orders passed by the Tribunal, those applicants were allowed to sit for examination and ultimately O.As were allowed by an Order dated: 24.9.1998. Against the said O.As, W.P.No.34306 of 1998 was filed by the Government. However, in the meanwhile, out of the applicants who approached the Court seeking higher age limit, moved the contempt applications before the Tribunal on the ground that they were selected and were not sent for training. At the pain of contempt, some of the applicants were issued with the appointment orders and they were sent for training. A condition was stipulated in the order of appointment that the appointments were subject to result in the Writ Petition No.34306 of 1998. Subsequently, some more applications came to be filed by the candidates belonging to 1998 selection, in O.A.No.470 and 639 of 1999 seeking directions to conduct the selection in accordance with the Presidential Order and to fill up 70% of vacancies by local candidates and 30% of vacancies by open category candidates *viz*., local and non-locals basing on zone wise selection and by computing the vacancies up to 11.03.1998 and not up to 31st July, 1997. The Tribunal, however, allowed the same with the following directions:

> **"In the result we hold that:**
>
> 1. **The selection to the post of Sub Inspector (Civil) is a multi-zone cadre selection and the procedure stipulated in G.O.(P) No. 763, General Administration (SPF.A) Department, dated 15.11.1975 should be followed.**
> 2. **The respondents have to compute the total number of vacancies available as on the date of the Notification i.e. 11.03.1998.**
> 3. **The respondents are directed to appoint the applicants as Sub Inspectors (Civil). However, their appointment will be subject to the out-come of W.P. No.34306 of 1998 on the file of the High court of Andhra Pradesh, Hyderabad".**

The said Order became final as no Writ Petitions were filed by the Government.

5. In pursuance of the said directions, some more applicants came to be appointed on the same condition. Since some of the candidates who were appointed by virtue of the interim orders passed by the Tribunal secured lesser marks than the other candidates, they

approached the Tribunal to appoint them as Sub Inspector of Police on the ground that the persons with lesser marks were appointed. Initially, their cases were also directed to be considered and appointment orders were directed to be issued pending the O.A. Finally, when the O.As came up for final hearing, the Tribunal observing that the Government implemented the orders of the Tribunal, closed the matter, as no further orders are necessary. Aggrieved by the said orders, the Government carried the matter in this batch of Writ Petitions.

6. It was the contention of the applicants before the Tribunal that they are entitled for five years relaxation on the ground that the similarly situate persons were granted the relaxation in respect of other services. It was also stated before the Tribunal that even in respect of recruitment for Sub Inspectors of Police, the Tribunal allowed age relaxation in R.P.No.2599 of 1987 and the Government had withdrawn the S.L.P. before the Supreme Court. Therefore, the applicants claimed five years relaxation in this recruitment also as of right.

7. It is the contention of the learned Advocate General that the recruitment must be in conformity with the special rules, where under, the minimum and maximum age has been fixed for O.C candidates which is 21 and 25 years. Therefore, in the absence of any relaxation under the Rules, the candidates with higher age, over and above the prescribed age under the rules, are not eligible and the notification issued was in accordance with the said rules. It is also stated that in G.O.Ms.No.270, Home (Pol.C) Department, dated 02.04.1990, Government issued special rules for recruitment to the posts of Police Executives, wherein upper age limit was prescribed in respect of Sub Inspectors, which is only 25 years and this upper age was not introduced in the year 1998, for the first time. In all the recruitments, the upper age limit was continued at 25 years only. Further, the age relaxation was given to certain other categories right from inception. It is being made clear by the Government from time to time in the statutory rules that the relaxation of upper age was not applicable to A.P. Police Subordinate Service and A.P. Special Armed Forces. Some time, the Government also issued relaxation for certain period. The relaxation was made to the posts other than the posts of Executive nature in Police, Excise and Forest Departments etc., Reference was made to G.O.Ms.No.843, dated 17.09.1971, and G.O.Ms.No.354 dated 30.06.1983. However, the G.O.No.354 was struck down by the Tribunal in R.P.No.2599 of 1987, dated 09.10.1987. In G.O.Ms.No.561, General Administration (Services. A) Department, dated 11.10.1988, age relaxation was again given by six years for direct recruitment posts other than the posts in executive nature i.e., Police, Excise, Forest and Fire Services Departments. In1990, Special Rules were framed for A.P. Police Subordinate Services. When recruitment was made in 1991, upper age was modified from 25 years to 27 years as one time measure only. Even in1993, age relaxation was given in respect of the posts other than the Police, Excise, Forest and Fire Services posts and similar Writ Petitions were filed seeking relaxation in respect of 1993 recruitment. The Tribunal by order, dated 11.02.1994, in O.A.No.3621 of 1993, held that the applicants were not allowed to claim higher age relaxation. However, during 1994, age relaxation was granted by the Government from 25 years to 26 years as one time measure in respect of S.I. Recruitment. Again in 1997, Ad hoc Rules were framed as Stipendiary Cadet Trainees S.Is., etc., in G.O.Ms.No.331, dated 22.12.1997. In pursuance of the said Rules, the notification was issued on 11.03.1998. It is also contended on behalf of the State that in respect of same recruitment in 1998, some more O.As were filed seeking relaxation of age by five years in O.A.No.2470 and 2639, 2749 and 3196 of 1998 and the Tribunal dismissed the O.As on 23.04.1998, on the ground that they have no right to claim relaxation of age in the absence of any provision in the statutory rules. However, in this batch, the Tribunal held that the applicants are entitled for relaxation of age.

8. While dealing with the matter, the Tribunal framed the following issue:

> **"Whether prescribing 25 years as the general upper age limit age limit as given in clause 3(a) in the Notification dated 11.03.1998 calling for applications for recruitments for the posts of S.Is of Police (Civil) and S.Is of Police (AR) is in order."**

9. The learned Tribunal referred to various G.Os, issued by the Government from time to time. It has also referred to the G.Os where relaxation was granted as one time measure and in some other O.As ultimately held as follows:

> **"The distinction sought to be drawn between those candidates seeking entry into the police, Excise, Forest and Fire Services Departments and those appearing for selection to other services is on the basis of the physical standards. Risking repetition, it has to be stated that at one time the uniform maximum age for entry into all services was 30 years. Even now, while keeping the maximum age for entry into police executive subordinate posts for O.C. candidates at 25 years, the respondent State Government have been allowing higher age limits to them frequently, calling them as 'one time measures' on the ground of gaps in the recruitment. The fact that the categories like SCs,STs, BCs and Ex-Servicemen cannot but be given higher age concessions for the reasons given cannot also be ignored. The question here is whether the requirement for keeping the physical standards is relevant at all. Without much dilating on the issue, one has to admit that, considering the nature of the duties of the lower executives in the police and the other similar Departments, there is need to ensure that those getting into these posts satisfy the physical standards set. There is no gain saying the fact also that the recruitment system for these lower executive sub-ordinate posts in the police department is taking care of this through proposed pre-qualifying/screening tests.**

**The respondents are free to plug any loopholes in the system of physical screening by additions or modifications to the existing rules or guidelines. And only there, whatever be their ages, who ultimately fulfill the physical standards, will be selected. Therefore, it is considered that this sort of distinction as to the higher age drawn between the O.C. candidates appearing for selection to lower executive posts in Police and the other similar Departments and the O.C. candidates appear for selection to other posts in the police and similar Department and other Departments is rather invidious.**

**22. How, it is considered that in the light of the position the applicants have a case and they are entitled to be considered for recruitment to the posts of S.Is. (Civil) and S.Is.)Armed Reserve). Accordingly, Clause 3(a) of the Advertisement dated 11.3.1988 issued in R.C.No.534/R&T/Admn.I and the provision in the Ad hoc Rule issued inG.O.Ms.No.561 GA (Ser.A) Department, Dated 11.10.1988 to the extent it restricts the upper age, in the case of unemployed the O.C. candidates, to 25 years, for recruitment to executive posts in police and other similar Departments on consideration of physical standards, are struck down, with a direction to respondents also to consider the cases of the applicants who were allowed to apply in furtherance of the impugned notification dated 11.3.1998 and who had appeared in the tests/examinations/interviews conducted.**

**23. Incidentally, besides referring to the requirement of physical standards, the desirability of keeping the upper age of entry into lower executive posts in the police and similar departments at a lever lower than the upper age limits allowed to the other categories of posts, considering the nature of the duties of the lower executives in the police and other similar departments. As has already been stated, subsequent to issue of the above Rule through G.O.ms.No.561, GAD, dated 11.10.1988, excepting the posts in the lower executive categories in the police and other similar departments from the application of the maximum age limit/s as applicable to the other categories, the respondent government had allowed higher age benefit two to three times ranging from2 to28 years particularly on the ground of gaps in recruitment and as one time measures; leaving the general upper age limit even in the Special Rules made in respect of the A.P. Police Sub ordinate Service Rules made in respect of the A.P. Police Sub-Ordinate Service Rules made in respect of the A.P. Police Sub-ordinate service Rules as it is, i.e.25 years, whatever be the justification for allowing genera upper age limits exceeding 25 years, whatever be the justification for allowing general upper age limits exceeding 25 years subsequent to the issue of the impugned Government order dated 11.10.1989 in the matter of recruitment to lower executive subordinate posts in the police Department or in any other similar have been allowing higher upper age limit than 25 years in the case of the O.C. candidates and the respondent Government does not seem to be against allowing slightly higher upper age than 25 years in the case of the O.Cs., with permissible age concessions in respect of other categories like SCs., STs., and BCs. Probably, instead of allowing higher age limits in its and starts keeping the upper age limit for the O.C. candidates as it is under the Special Rules, it would be advisable that the Respondent Government examines and takes a decision to increase the upper age limit for the O.C. candidates, with due concession to the eligible categories, for the future. Here the balance of convenience seems to be wit fixing the upper age limit for the O.C. candidates at 28 years i.e. between the present upper age limit of 25 years and the higher age of 6 years available for the O.C. Candidates over and above 25 years in respect of non-executive lower posts as allowed by the ad hoc rule issued by G.O.Ms.No.561, GAD, dated 11.10.1988. It is felt that this limit of 28 years, if fixed for the future, would not only to a great extent meet the requirements of the respondents in attracting fairly young blood for the lower executive posts in the police as well as other similar departments, but in meeting the demand of the unemployed O.C. youth that they should be allowed reasonably higher age than 25 years for competing. Also, the respondents would do well to avoid gaps in the recruitment in future.**

**24. Further, it has to be seen whether the maximum age concession of 5 years over and above the permissible maximum age in the case of open O.C. candidates allowed t the lower executives i.e. P.Cs., H.Cs, and A.S.Is and lower Ministerial service in the Police Department and the regular employees in the A.P. State Government and 5 more years in the case of B.Cs, STs, and BCs is justifiable. It has to be appreciated here that the lower executive or the Ministerial staff in the Police Department or the regular in-service employees in the State Government have their own normal channels of promotion. Also admittedly they are better placed than the unemployed youth. Therefore, let alone allowing them the additional maximum age concession unduly, permitting them to compete itself appears unjustifiable. Nobody can deny that the employment opportunities available in the Government or Public Sector either in the state or in the country are absolutely limited. In view of this persisting unemployment position and also for the reason that the in-service personnel have promotional opportunities, it is strongly felt that, at least, denying to the in-service personnel, including SCs, STs, BCs and Ex-Service and Ex-Census personnel, the age concession as allowed in the Notification, at least, for the future would be most advisable.**

**25. The respondents are, therefore, directed to examine and take due policy decision and necessary follow up action on paras 23 and 24 above, preferably before the next recruitment.*"***

10. The question that falls for consideration is whether the order of the Tribunal is sustainable?

11. Admittedly, the recruitment is required to take place in accordance with the rules prescribed and framed under proviso to Article 309 of the Constitution of India. It is also not in dispute that the special rules were framed for recruitment to the posts of Police Sub Inspector, in which minimum age and maximum age prescribed is 21 and 25 years respectively. In the recruitment rules as also in the notification, the age limits are as follows:

**"3. AGE LIMIT FOR CIVIL S.Is. MEN, S.Is. (WOMEN) AND R.S.Is. ARMED RESERVE (MEN) CANDIDATES:**

**a) Must have completed the age of 21 years but should not have completed the age of 25 years as on 1st July, 1997.**

**b) In case of Police Executive i.c. P.Cs. H.Cs. and ASIs, and Police Ministerial staff, must have completed the age of 21 years and must not have completed the age of thirty years as on 1st July, 1997.**

**The upper age limit is relaxable by:**

a. **5 years for S.C., S.T. & B.Cs.**
b. **3 years plus service rendered for Ex-servicemen subject to maximum of 10 years.**
c. **5 years of Regular A.P. Government employees and**
d. **3 years for employees with certified service of 6 months in Census Department."**

12. It is beyond pale of controversy that the recruitment to various posts in the Police force is required to be undertaken in accordance with the statutory rules prescribed and framed under proviso to art 309 Constitution of India. It is also not in dispute that the Special Rules were framed in A.P. Police Subordinate Service in G.O.Ms.No. 1263, GAD dated: 26.8.1959. It has been amended from time to time.

13. A further amendment was issued to the said G.O.Ms.No. 1263, dated: 26.8.1959 by G.O.Ms.No. 270 Home (Police) Department, dated: 2.4.1990. Under the amendment G.O. the post of Sub-Inspector of Police, Civil Class in Class-I Category-I, following is the age limit for direct recruitment:

**"Must have completed the age of 21 years and must not have been completed 27 years. If the candidate is recruited by transfer from the A.P. Police Ministerial Service, for this must have completed the age of 21 years, but not have completed 25 years."**

14. The relaxation of age is provided in respect of the S.C., S.T. and B.C. and other categories in G.O.Ms.No. 843, dated: 17.9.1997. Under Rule 2(k) of the State and Subordinate Service Rules, it was specified that the upper age limit mentioned in the Rules does not apply to the A.P. State Police Subordinate Service and A.P. Special Armed Services. The Government by G.O.Ms.No. 354 dated: 30.6.1993 issued the notification raising 6 years age for the purpose of direct recruitment to various posts except the posts of executive nature in police, forest, fire and excise departments, for which physical standards have been prescribed. It has also been stated in the said notification that it would apply to the vacancies notified on or after 1.7.1983 effective for a period of one year till 30.6.1984.

15. While that was the situation, a notification was issued to the Government for filling up the posts of Deputy Superintendent of Police by direct recruitment. Two applicants challenged the ad hoc rules framed in G.O.Ms.No. 354 contending that excluding the posts under executive category in Police, Excise, Forest and Fire Service Departments was illegal and arbitrary and therefore, they sought appropriate directions in R.P.No. 2299 of 1987. The advertisement was issued in the year 1983 vide Advertisement No. 18 of 1983.The learned tribunal after considering the material strucked down the following words in G.O.Ms.No. 354, dated: 30.6.1983 being invalid and unconstitutional:

**"Other than the posts of executive nature in Police, Excise, Forest and Fire Service Departments for which the physical standards have been prescribed."**

However, it was found by the tribunal that only the 2nd petitioner K. Laxma Reddy was entitled for the benefit and other petitioner Mr.Jagan Mohan Reddy was beyond 33 years.

16. It appears against the said matter, the Government carried the matter before the Supreme Court and the Government had decided to withdraw the Special Leave Petition. While the matter stood thus, the Government issued again another G.O.Ms.No. 561, dated: 11.10.1988 relaxing the age for direct recruitment by 6 years, which is made applicable to direct recruitment posts other than the posts of executive nature in Police, Excise, Forest and Fire Service Departments and for which the physical standards have been prescribed. The following is the extract of the Order:

**"In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Andhra Pradesh hereby makes the following adhoc rule;**

**The said rule shall be deemed to have come into force on this 1st day of July, 1988.**

**ADHOC RULE**

**Notwithstanding anything in the Andhra Pradesh and Subordinate Service Rules, or the Special Rules or the Adhoc Rules the maximum age limit prescribed in the Andhra Pradesh State and Subordinate Services Rules or in the relevant special rules for appointment by direct recruitment to the posts, other than the posts of Executive nature in Police, Excise, Forest and Fire Service Departments for which Physical Standards have been prescribed in the State and Subordinate Services (including the posts in the Last Grade Services) under the State Government to be made by the Andhra Pradesh Public Service Commission or other competent authorities or bodies, shall be raised by six years for the purpose of direct recruitment that would be notified on or after the 1st July, 1988.**

**The above age concession shall also be made applicable for sponsoring the over aged candidates by the Employment Exchange who are on their rolls for the purpose of making temporary appointment provided the sponsoring of candidates takes place prior to the terminal date of age concession and that the candidates with the enhanced upper age limit is eligible for the regular direct recruitment."**

17. A notification was issued in the year 1991 for direct recruitment to the post of S.I. in which the age limit was prescribed between 21 and 25.But, however, the Government issued yet another G.O.Ms.No. 98 on 8.2.1991 making adhoc rules raising the age up to 27 years as one time measure. The following is the notification:

"**NOTIFICATION**

**In exercise of the powers conferred by the proviso to Article of the Constitution of India, the Governor of Andhra Pradesh hereby make the following Adhoc Rule, namely:**

**ADHOC RULE**

**Notwithstanding anything in the special rules for the Andhra Pradesh Police Subordinate Service Rules issued in G.O.Ms.No. 270, Home (Police) Department, dated: the 2nd April, 1990, the maximum age limit prescribed in the said rule for the recruitment to the post of Sub-Inspector (Civil) Reserve Sub-Inspectors(Armed Reserve) shall be raised to 27 years for the said posts for the purpose of direct recruitment that would be notified on or before the 1st July, 1991 as one time measure."**

The said Rule came to be challenged by the persons, who were above 27 years and the tribunal in O.A.NO. 9082 of 1991 and Batch dated: 11.4.1991 dismissed the Batch of O.As. In that regard, the tribunal observed as follows:

**"It is next contended on behalf of the Applicants that the maximum age limit for the present recruitment to Sub-Inspector of Police should have been 28 years as no recruitment took place during the years 1988, 1989 and 1989. It can be seen from the contents of G.O. 98, dated: 8.2.1991 enhancing the maximum age limit to 27 years as one time measure for the current recruitment, the reasons given were that since the recruitment has not been reported to during the years 1989 and 1990, the maximum age limit is enhanced by 2 years as one time measure for the recruitment that is scheduled to take place during the year 1991. it is contended on behalf of the Applicants that no recruitment took place even during the years 1988 and, therefore, it cannot be said that there was no recruitment only in the years 1989 and 1990. According to the Applicants that the Government, under mistaken impression that no recruitment took place only for 2 years 1989 and 1990, enhanced the maximum age limit by 2 years but there was no recruitment even during the year 1988 and therefore, the enhancement should be 3 years and not by 2 years. Sri Sridhar Sagar, learned G,.P. has submitted that there was recruitment in the year 1988 as the notification issued in the year 1987 inviting applications was intended for recruitment of Sub-Inspectors and the process of selections was completed in the year 1988 and therefore, it cannot be said that there is no recruitment in the year 1988. The counter also explains to the same effect.**

**The maximum age limit prescribed under Rule 12(k) of the General Rules is not applicable to the Police Subordinate Service Rules by virtue of the proviso added in the year 1971. Subsequently, the age limit as prescribed in the A.P. Police Subordinate Service Rules would apply for recruitment to that service. At one point of time the maximum age limit under the A.P. Police Subordinate Service Rules, 1959 was 30 years and the said provision was amended from time to time. Earlier, the recruitment of the posts to the category of Sub-Inspectors of Police was within the purview of Public Service Commission for some time and later the recruitment was entrusted to separate agency. Either the Public Service Commission or any other body entrusted with the task of recruiting the Police Sub-Inspectors has to follow the Rules prescribing the maximum age limit by the Government from time to time. Though, the maximum age limit at one point of time was 30 years under the Police Subrdinate Service Rules, the age limit was subsequently fixed at 25 years in the rules. However, the maximum age limit was being enhanced either by 2 or 3 years by the Government, as one time measure, for a particular recruitment. Though, the Government issued Orders in G.O.Ms.No. 354 GAD, dated: 30.6.1983 enhancing the maximum age limit for recruitment to Subordinate Service by 6 years, the said G.O. was not applicable to the Police Subordinate Service, as evident from the adhoc rule introduced by the said G.O. The Government by issuing adhoc rules from time to time regulating the maximum age limit for recruitment to the Police Subordinate Service has an earlier occasion enhanced to 20 years for the recruitment that took place in the year 1987-88. The enhancement was only for the recruitment in 1987-88 and that was not an amendment to Police Subordinate Service Rules. So is the case, the amendment issued in G.O.Ms.No. 98, dated: 8.2.1991 enhancing the maximum age limit from 25 years to 27 years for the recruitment scheduled to take place during the year 1991. The said G.O. specifically says that the relaxation of age is done as one time measure. It is always open to the Government to relax the Rules providing for enhancement of the maximum age for a particular recruitment. The enhancement was made not for the benefit of any individual, but for the benefit of all candidates,**

**who are aspiring the recruitment to the Police Subordinate Service. Though the Government in G.O.Ms.No. 110 GAD, dated: 15.2.1991 enhanced the maximum age limit by 2 years from 26 years to 28 years for recruitment to Group-I Services, the Applicants cannot claim that the same enhancement should be given for recruitment to the Police Subordinate Service also. In the said G.O., the maximum age limit was enhanced by 2 years from 26 years to 28 years for Group-I Services, for the supplementary examination scheduled in the year 1991. The reasons for enhancing the age limit were given in the said G.O. The reasons given therein are not applicable for recruitment to the Police Subordinate Service. Further, the maximum age limit enhanced for Group-I Service was 2 years in the said G.O. and in the case of recruitment to Police Subordinate Service also, the maximum age was enhanced by 2 years in G.O. 8.2.1991. In any event, it cannot be said that the Government have adopted a discriminatory method in issuing the G.O. 110, dated: 15.2.1991 and G.O.Ms.No. 98, dated: 8.2.1991. Therefore, article 14 and 16 of the Constitution are not attracted.**

**The fact that the Government have been enhancing the maximum age limit on different occasions prescribing a higher age limit than the one prescribed under Rule 9 of the A.P. Police Subordinate Service Rules or Rule 12(k) of the General Rules, would legad to logical conclusion that the Government are aware of the proviso under the Rule 12 (k) of the General Rules and for that reason they have to resort to issue adhoc amendment to Rule 9 of the A.P. Police Subordinate Service Rules enhancing maximum age limit, as one time measure, for each recruitment, whenever it was considered necessary in the matter. In any event, the provision contained in Rule 12(k) of the General Rules prescribing the maximum age limit of 28 years for recruitment to the Subordinate Services is not applicable to the Police Subordinate Service since there is a specific provision in the Police Subordinate Service Rules prescribing the minimum and maximum age limit for recruitment. On a careful consideration or the material on record, we conclude that there are no valid grounds to interfere with the maximum age limit prescribed by the Government in G.O.Ms.No. 98, dated: 8.2.1991 as a one time measure, or the recruitment during the year 1991. Consequently, such of the applicants who are above 27 years or crossed the maxim7um age limit as on 1.7.1991 as per G.O.Ms.No. 98, dated: 8.2.1991 are not eligible for recruitment to the Police Subordinate Services notified on 22.1.1991. Consequently, all the cases must fail and are liable to be dismissed.**

**In the result, all the Original Applications are dismissed and the interim Orders passed in all the said cases are vacated. No costs."**

18. Similar notification was issued in respect of the direct recruitment S.Is. 1993 wherein the maxim age was fixed at 25 years, O.As. were filed in O.A.NO. 3621 of 1993 seeking relaxation by six years as available under general rules. The tribunal held that they are not entitled for relaxation of the age. In 1994, when another recruitment was made, the Government issued G.O.Ms.No. 474, dated: 17.6.1984 enhancing the age limit from 25 to 26 years as one time measure for 1993 S.I. Recruitment. In G.O.Ms.No. 331, dated: 22.3.1997, adhoc rules were framed for Stipend Cadre of S.Is. but they are ot relevant for the purpose of recruitment as the Rules govern the Recruitment to the post of Police Service continued to be govern by G.O.Ms.No. 29, dated: 8.1.1991.

19. While so, the recruitment notification was issued in 1998 on11.3.1998. Again this time also some batch of O.As. were filed in O.A.NO. 2172 of 1998 seeking extension of relaxation of maximum age of 5 years as was extended in the State and Subordinate Service Rules G.O.Ms.No. 561, dated: 11.10.1998. The tribunal granted interim directions to allow the candidates for written test and finally the tribunal by an Order dated: 24.1.1998 in a batch of O.As. strucked down clause 3(a) of the Advertisement dated: 11.3.1998 and also the provision in the Adhoc Rules issued in G.O.Ms.No. 561, dated: 11.10.1988. To the extent it restrict the upper age in case of unemployed O.C. candidates to 25 years. It is also on record that in respect of the very same 1998 Recruitment, apart from the orders in the impugned batch, some more O.As. were also filed seeking same relief in O.A.NO. 2172 of 1998 and Batch and the tribunal refused to grant the relief by an Order dated: 24.3.1998 and 24.3.1998 in O.A.NOs. 2470 of 1998 and 2639 of 1998. Similarly, in O.A.NO. 2748 of 1998, the tribunal by an Order dated: 24.3.1998 dismissed the O.As. So also in O.A. No. 3196 of 1998, dated: 5.5.1998, the relief was rejected.

20. It is also on record that subsequent recruitments were made to the post of S.Is. in 2001 wherein the maximum age limit was fixed at 25 years and when the relaxation was sought, they were dismissed by tribunal in O.A.NO. 9036 of 2002 and batch dated: 8.7.2002. The said Orders of the tribunal came to be challenged by the unsuccessful before the High Court in W.P.No. 14042 of 2002 & Batch and this Court by an Order dated: 28.4.2003 dismissed the Writ Petitions and upheld the Order of the tribunal.

21. In the wake of the above scenario, it has to be considered whether the Order passed by the tribunal directing the grant of relaxation to O.C. candidates to the post of S.Is. by direct recruitment, is liable to be interfered with.

22. From the sequence of events as narrated above would clearly indicate that the State and Subordinate Service Rules are made

applicable to all the direct recruitment posts to the extent indicated in the rules. By virtue of Rule 1(d) of the State and Subordinate Rules, 1996 if the provision of these Rules are repugnant to the specified rules applicable to any service, to the extent of repugnancy the special rules will prevail. Indisputably special Rules have been framed from Police Subordinate Service as referred to above. Thus, however, the said provisions are not made applicable to the A.P. Police Service whenever the Government has been increasing the maximum age in general Rules, and it was being specifically made clear in the notifications concerned with the relaxation of age that it does not apply to the posts in the executive nature in Police, Excise, Forest and Fire Service Departments. Even the Special Rule for Police Subordinate Rules fixed for the Police Subordinate Services, the age is being fixed and prescribed only from 21 to 25. Except on two occasions, where it was increased by one year or so on the ground that there was delay in making the recruitment.

23. The tribunal mainly relying on the earlier Order passed by the tribunal in R.P.No.2599 of 1987 allowed the O.A. But, it has to be noted that the judgment has no application to the facts of the present case. The matter related to the recruitment to the post of Deputy Superintendent of Police. Notification was issued in 1983. The age relaxation was claimed on the basis of the G.O.Ms.No. 354, dated: 30.6.1983 for additional 6 years over and above the maximum age fixed. The tribunal strucked down the words “other than the posts of executive nature in the Police, Excise, Forest and Fire Service Departments for which physical standards have been fixed.” The Government preferred a Special Leave Petition and it was withdrawn. Further, after striking down, the Government again issued G.O.Ms.No. 561, dated: 11.10.1988 making adhoc rules raising the age limit in general by six years for the purpose of direct recruitment, other than the posts of executive nature in the Police, Excise, Forest and Fire Service Departments. But, the said G.O. was not challenged. Even those rules are applicable only to the posts other than which were excluded. The circumstances under which the Special Leave Petition was came to be withdrawn by the Government are not before this Court. In any event, the Order passed by the tribunal cannot be said to be a precedent or having binding nature before this Court. As already observed, only one candidate in the Deputy Superintendent of Police recruitment came to be within the age limit by virtue of the Orders passed by the tribunal.

24. But, here, the larger question that calls for consideration is whether the relaxation age can be claimed as of right?

25. The recruitment has to be in conformity with the special Rules for the Police Subordinate Service and General rules are not made applicable. Further, when a special rule have been prescribed in the Police department, the general rules framed in the Police and Subordinate Service cannot be made applicable. Even otherwise also, whenever the age relaxation is given in respect of the other candidates such relaxation was not made applicable in post of executive in Police, Excise, Forest and Fire Service Departments, for which the physical standards have been prescribed.

26. Fixing the age is the prerogative of the Government keeping in view the constitutional mandate. Though the upper age has been prescribed as 25, but the relaxation was made in respect of the S.C. S.T. B.C. and other categories including in-service police personnel. Whenever, the age is relaxed by the Government, in respect of the posts to be filled up by the direct recruitment under the A.P. State and Subordinate Service Rules, can it be said that it also applied to the police service. In order to get out of the provisions of the General Rules, Special rules have been framed by the police department for recruitment to various posts keeping in view the nature of the duties performed by the police force, the rules as prescribed in the special rules have to be followed and the special rules will prevail over the general rules. Even under rule 12 (k) of Pre-1996 General Rules, the upper age limit prescribed in the general rules are not made applicable to the A.P. Police State and Subordinate Service and Special Armed Service Rules. In 1996 General Rules the special rules were given over riding effect in case of conflict. Prescribing the age limits is the function of the Government and they cannot be said to be justiciable. It is for the recruitment authorities to fix the age and not for the Courts to decide the reasonableness of the age fixed by the authorities unless such fixation of age is arbitrary offending Article 14 and 16 of the Constitution of India. The Government advisedly did not make applicable the relaxation of age in respect of the posts in the police force and other similarly situate departments, where the physical standards have been prescribed and going into the validity of such age fixation cannot be said to be within the purview of the tribunal or the Courts exercising the jurisdiction under Article 226/227 of Constitution of India.

27. Under those circumstances, we are of the considered view that the Order of the tribunal striking down 3(a) notification and also the relevant rules is not sustainable.

28. On another ground also, the tribunal is not justified in interfering with the notification. Admittedly, in respect of the same notification, some more O.As. were filed and those O.As. were dismissed earlier to the disposal of the present batch. This Court is not in a position to reconcile as to why those Orders were not taken into consideration which are directly on the point and which cases were dismissed earlier to the present Orders. They were not even referred to in the Order. By this, the tribunal created two Orders, one granting relief and another rejecting the relief in respect of same issue i.e. age fixation for 1998 S.I. recruitment. Normally, when the judgments are rendered at later point of time and by the time, if the judgments are available in respect of the same issues or similar issues, which were decided earlier they have to be given considerable weightage. Either the Government has not placed the material before the tribunal or the tribunal had not referred to these case. The Orders passed in similar cases of 1998 Recruitment which were dismissed are binding on the tribunal and by allowing the orders it would amount to over ruling its earlier orders, more especially when the certain orders were upheld by this Court in writ petitions. Thus, even on this ground the impugned orders cannot be salvaged.

29. Yet on another ground, we are also not in a position to accept the finding of the tribunal. In fact, from a close reading of the order of the Tribunal more particularly the reasons extracted supra, we find that the issue has not been considered in a proper perspective. The bureaucratic language employed in the order would indicate that no definite findings are recorded on the issue under adjudication. It is always desirable that the decision must be clear, specific and unambiguous coupled with reasons. We also find from the order that the number of suggestions and directions were issued, which are not within the province of the Tribunal. What is to be considered by the Tribunal is, whether the claim of the applicants for higher maximum age limit is legally sustainable? The claim is required to be tested on the anvil of statutory rules or a constitutional provision. Even though, right to employment is not a fundamental right, but right to be considered for employment is a fundamental right, subject to fulfilment of other conditions. It is always open for the State to prescribe different standards in respect of S.Cs, STs and BCs. Simply because the relaxation is granted to other categories, the same cannot be claimed as of right by O.Cs. It is for the Government to decide the qualifications, age limits, physical fitness etc. to suit the requirement of the administration and the nature of the duties discharged by the persons found to be fit for a particular post. To illustrate, that no physical standards are prescribed for the post of Junior Assistant, but at the same time physical requirements are stipulated for the post of S.Is. By this, it cannot be said that it is discrimination in the matter of employment. The relaxation of age was also granted to the lower executive in the police subordinate competing for posts in the category of Sub Inspectors. The Tribunal found that in meeting the demand of unemployed O.C. youth, they should be allowed a reasonable higher age than 25 years for competing. Such observations, in our considered view, are wholly irrelevant and unwarranted. When the rules do not prescribe higher age it is not open to the Tribunal to extend the age, by which it is transgressing into the jurisdiction of the Government. The Courts and Tribunals only interpret the law, but not the makers of law.

30. Further, G.O.Ms.No. 570, dated: 28.10.1993 was issued by the Government relaxing the age by six years in respect of all the posts of direct recruitment. In the said G.O. like G.O.Ms.No. 561, dated: 11.10.1988 the executive nature of posts in Police, Excise, Forest and Fire Services were excepted. This is a later G.O. and this G.O. has not been challenged and on the other hand the G.O. not in existence came to be assailed. Added to this, G.O.Ms.No. 270, dated: 2.4.1990 was issued bringing amendment to the A.P. Police Subordinate Service Rules. In that G.O. also the age for S.I. was prescribed as 25 for O.C. candidates. In view of this special rule, the general rule has no place. Thus, we find that the order of the Tribunal is wholly unsustainable in law and the same is liable to be side aside, accordingly, we do so.

31. Coming to the next batch of cases wherein the Tribunal disposed of the O.As. with a direction to follow the presidential order, the said order became final as the Government did not carry the matter to this Court. Therefore, it is bound to implement the order passed by the Tribunal. According to the presidential Order the post of S.I. falls in a multi-zone cadre selection and the procedure has to be followed as stipulated in the presidential order. 70% of the posts are to be filled up exclusively by local candidates and 30% of posts have to be filled up by the locals as well as non-locals. It is also not in dispute that the local candidates in a particular zone have to be treated as non-locals in other zone and they ought to be considered along with the locals of that zone. Since this was not followed, some of the O.As came to be filed before the Tribunal contending that they secured more marks than those were appointed and hence they should also be appointed. The Tribunal disposed of the O.As. with the directions referred to above.

32. It is the contention of the learned Government pleader that certain candidates who got lesser marks were appointed by virtue of the interim orders passed by the Tribunal comparing themselves with the persons who secured more marks and who were over aged and subject to result in W.P.No. 34306 of 1998 and therefore, they cannot be granted the relief as prayed for. The Tribunal also in some of the O.As observed that in spite of specific directions the selection list was not placed before the Tribunal, therefore it has drawn adverse inference and allowed the O.As on that ground without going into the merits of the case. The tribunal in O.A.No. 6743 of 2002 and Batch, dated: 27.2.2004 disposed of the cases with the directions by observing as follows:

> **"The issue to be decided in this matter is whether the respondents have implemented the directions of this Tribunal granted in O.A.Nos. 470/99 and 639/99 and batch, dated: 18.8.1999 and have ordered appointments to all the incumbents to the post of Sub-Inspector of Police (Civil) in accordance with merit or not? Further, it has to be decided whether a less merited candidate has been appointed as Sub-Inspector of Police (Civil) ignoring the claims of the applicants who claimed to be, more meritorious than the last selected candidate.**
>
> **This tribunal, to appreciate and to ascertain the fact summoned the select list and merit list from the respondents. It noticed that certain candidates who were already appointed did not secure more marks than the applicants and specifically the applicants have filed a sworn statement of affidavit clearly mentioning the names of the candidates who have secured less marks were appointed. The respondents were given adequate opportunity for about more than a year to file the counter affidavit. They did not choose to file the counter affidavit even after several adjournments. They have dodged the matter on one pretext or the other that the records are old records and they have not filed the counter affidavit denying the assertions made by the applicants in the additional affidavits and verified applications.**
>
> **Therefore, this Tribunal is constrained to dispose of the matter on the basis of material available on record. The respondents themselves have admitted the fact that under the threat of contempt they have sent certain candidates for training and only to void contempt proceedings, they have issued the appointment Orders. The unofficial respondents submit that the applicants have not come up within the zone of consideration and hence their names were not considered for selection and only 5 candidates under the special circumstances have been appointed. The applicants have referred two names along with the marks in their additional affidavits. These facts are not denied by the respondents. Further, the respondents did not produce any records. Therefore, this Tribunal is constrained to draw adverse inference.**
>
> **As seen from the records, the respondents have appointed the candidates who have secured less marks in the merit list and further the applicants have brought to the notice of the Tribunal that the respondents have issued proceedings dated: 19.12.2003 appointed one Sri Adape Narasimha as Sub-Inspector of Police (Civil), who has secured 173.75 marks who belongs to O.C. category. In fact, the said incumbent had applied under Police executive quota. Therefore, the O.As. are disposed of with a direction to the respondents to consider the claims of the applicants as per the Orders issued in O.As. 639/1999 and batch dated: 18.8.1999 and also O.A.Nos. 8427/2000 and batch, dated: 7.6.2000 by setting aside the impugned Memo No. 520/R&T/Admn.1/2002, dated: 4th and 5th July, 2002 in O.A.6743/02. This exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this Order. The O.As. are disposed of accordingly. In view of disposal of the main O.As. M.As. stand disposed of."**

These Orders are subject matter in the writ petitions also.

33. As we noticed the main attack of the Government is in respect of age relaxation and secondly the direction issued on 27.2.2004 to appoint the candidates, who secured high marks than the candidates appointed. We also find that the contention of the Government was that the candidates who were appointed under various Orders cannot be cited for comparison itself as their appointment is subject to result in W.P.No. 34306 of 1998. The Government also did not furnish the particulars when directed by the tribunal, leading drawal of adverse inference by the tribunal. However, this Court again required the Government to file the statements afresh so as to consider the matter on merits and to ensure that no merit candidate is deprived of his right for appointment.

34. Accordingly, the learned Advocate General filed the selection list of candidates in the respective zones. Two more lists were filed indicating the details of persons selected and also the persons whose cases are not considered. It is appropriate to extract the said statements, so as to meticulously consider the individual cases with reference to the marks obtained and the zone allotted etc.,

35. The following is the list of 23 candidates who were selected and appointed by virtue of various Orders subject to the result in W.P.No. 34306 of 1998 & Batch:

36. We find S.L.No.1 to 15 were appointed subject to result in W.P., and S.L.No.16 to 23 who are figuring in the list were within the age but according to the Government they were less meritorious. But, however, in view of our finding in W.P. No.34306 of 1998 that the applicants have no right to claim higher age than 25 years, the claim of the persons at Sl.Nos.1 to 15 is liable to be set aside. Accordingly, even though, some of them are in the merit list and some of them are not in the merit list, it makes no difference for they

were over aged and they are not entitled to participate in the selection process at all. Thus, the O.As. filed by the following 15 persons stand dismissed:

1. **Arif-ur-Rehman,**
2. **R. Srinivasa Reddy,**
3. **Y. PrakashReddy,**
4. **P. Ramachandra Rao,**
5. **M. Jitender Reddy,**
6. **Y. Yugandar Reddy,**
7. **M.V.Srinivasa Rao,**
8. **Ch. Rama Murthy Naidu,**
9. **P. Kasi Viswanadham,**
10. **K. Satish Chander Rao,**
11. **P.C.V. Subba Reddy,**
12. **A. Naga Murali,**
13. **P. Srinivasa Rao,**
14. **S. Raghunath,**
15. **P. Bikshapathi Rao.**

Accordingly, the Writ Petitions referred to above in the table stand allowed.

37. With regard to the candidates at Sl.Nos.16 to 23, they are within the age limits. They came to be appointed subject to result in W.P. No. 34306 of 1996 by virtue of the interim orders passed by the Tribunal. Therefore, we have to consider whether these following eight persons could be selected:

1. **B. Prakash**
2. **N. Shankar,**
3. **M.G.S. Ram Krishna,**
4. **P.Srishylam**
5. **P.V.Surya Mohan Rao,**
6. **G.Subba Rao,**
7. **A. Partha Sarathi, and**
8. **Adapa Narasimha Rao.**

38. The Government has filed the list of candidates who were selected as per Rules and if the above persons have secured more marks than the regularly selected candidates, they cannot be denied the appointment.

39. The Government have filed a list of regularly selected in accordance with the rules. We are not extracting the entire list, but comparison has to be made with reference to the last candidate, who has been selected in the respective slots. Therefore, we find it appropriate to extract the names of the last candidate in each category for the purpose of comparison with reference to respective range:

**"VISAKHAPATNAM RANGE**

**CATEGORY; O.C.**

Sl.No. A.T.No. Name of the candidate Category Marks Range

13 . 387729 J. Murali B.C.-D 177 V/R

**CATEGORY; B.C.A**

1. 387141 D.V.V.Satish Kumar B.C-A/NL 176.75 V.R.

**CATEGORY; B.C.-B**

2. 387889 E.Narasimha Murthy B.C-B 171 V.R.

**CATEGORY; B.C-C**

1. 387492 TS. Raju. B.C-C 175.75 V.R.

**CATEGORY; B.C.-D**

1. 387141 T. Appala Naidu B.C-D 176.75 V.R.

**CATEGORY; S.C**

3. 387208 P.V.V.S.N. Krishna Rao S.C. 155.75 V.R.

**CATEGORY; S.T.**

1. 387202 M. Ram Babu S.T. 164.25 V.R.

**CATEGORY; PE**

3. 387372 G. Chandra B.C-A/PE/NL 175 V.R.

**CATEGORY; P.M.**

2. 387211 K. Ashok Kumar S.C./PM 123.75 V.R.

**CATEGORY; S.P.**

1. 387334 S. Balasuyra Rao B.C-A/PE/SP 171.5 V.R.

## ELURU RANGE

**CATEGORY; O.C.**

2. 392026 S.S.V.V. Nagaraju O.C. 183.83 E/R

**CATEGORY; B.C-A.**

1. 392164 K. Govinda Raju B.C.-A 166.33 E/R

**CATEGORY; S.T.**

1. 392063 C. shankar S.T.. 148.16 E/R

## GUNTUR RANGE

**CATEGORY; O.C.**

3. 397093 D. Mallikarjuna Rao B.C.-A 177.83 G/R

**CATEGORY; B.C.-A**

1.397209 R. Srinivasa Kishore Kumar B.C.-A 176.33 G/R

**CATEGORY; S.C.**

1. 397279 V. Bhooshanam S.C. 176.16 G/R

## HYDERABAD RANGE

**CATEGORY; O.C.**

20. 402140 B. Linga Reddy O.C. 176.25 H/R

**CATEGORY; B.C.-A**

3. 402816 P.Srinivas Naidu BC.-A/NL 170.5 H/R

**CATEGORY; B.C.-B**

3. 402333 R. Srinivas BC.-B 174 H/R

**CATEGORY; B.C.-C**

1. 402709 S.D. Kenny Ford BC.-C 165.75 H/R

**CATEGORY; B.C.-D**

1. 402820 B. Shankaraiah BC.-D/PE 175.75 H/R

**CATEGORY; S.C.**

6. 403001 P. Sudhakar S.C./PE 152.25 H/R

**CATEGORY; S.T.**

2. 402747 M. Raj Gangaram S.T./PE 150 H/R

**CATEGORY; Ex-Servicemen**

1. 402516 P.P. Naidu B.C.-D/EX/NL 133.5 H/R

**CATEGORY; PE**

3. 402869 P.Venkateswarlu B.C.-D/PE 171.5 H/R

**CATEGORY; PM**

2. 402823 PT. Srinivas B.C.-A/PM 123.75 H/R

**CATEGORY; SP**

1. 402762 N. Venugopal Reddy O.C./SP 171 H/R

**HYDERABAD CITY**

**CATEGORY; O.C.**

47. 407277 A. Srinivas B.C.-D. 179.5 H/C

**CATEGORY;B.C.-A**

6. 410045 K. Srinivasa Rao B.C.-A. 173.75 H/C

**CATEGORY;B.C.-B**

10. 407540 K. Mulakanna B.C.-B. 176 H/C

**CATEGORY;B.C.-C**

1. 407764 K.P.V. Raju B.C.-C/S.P. 177 H/C

**CATEGORY;B.C.-D**

6. 408852 G. Srinivasa Yadav B.C.-D/PE. 176.5 H/C

**CATEGORY;S.C.**

15. 407791 b. Ydagiri Swamy S.C. 168 H/C

**CATEGORY;S.T.**

6. 408417 D. Balaji S.T. 155.75 H/C

**CATEGORY;P.E.**

8. 408037 S.V.V. Satyanarayana Murthy OC/PE 175.75 H/C

**CATEGORY;P.M.**

5. 408242 M. Krupanandam S.C./PM 124.75 H/C

**CATEGORY;Ex-Servicemen.**

2. 409846 P. Padmanabha Raju B.C.-D/EX 119 H/C

**CATEGORY;S.P.**

2. 407016 K. Ravi Kumar S.C./SP 160 H/C

40. It is also to be noted that Hyderabad City and Hyderabad Range form part of same Hyderabad Zone. From the above particulars and with reference to the marks obtained by candidates at Schools.No. 16 to 23 (in the statement extracted supra), we shall consider their respective merit.

41. Sl.No.16, B. Prakash, B.C-D/P.E. is from Hyderabad City. He secured 172.75 marks, whereas in Hyderabad Range B.C-D/P.E. P. Venkateshwarlu was selected with marks 171.5. Therefore, since B. Prakash secured more marks, he is entitled for appointment.

41. Sl.No. 17 N. Shanker from Hyderabad City, he belongs to S.C. He secured 166.25 whereas in Hyderabad Range all the candidates in S.C. category secured less than 166.5 marks. Even in Visakhapatnam range one Krishna Rao from S.C. he secured 155.75 marks. Therefore, N. Shankar secured more marks than the others has been appointed.

42. Mr. M.G.S. Ram Krishna, Sl.No. 18 B.C-B/P.E. He secured 171 marks from Hyderabad City and all the candidates in all the zones in B.C-B secured more marks than 171 and therefore, he is not entitled for appointment.

43. One P. Srishylam, B.C-D/P.E. from Hyderabad City secured 176 marks, but in Hyderabad Range B. Shankaraiah, B.C-D/P.E. secured 170.75 marks less than P.Srishylam. Therefore, he is entitled for appointment.

44. P.V. Surya Mohan Rao, from Eluru range belongs to O.C./PE category. He secured 176.66 marks whereas in Hyderabad Range C. Harichandra Reddy was selected from OC/PE category. He secured 172 marks. Therefore, he is entitled for appointment. Further, also the last candidate, who secured selection from Hyderabad Range O.C. category B. Linga Reddy. He secured 176.25 marks. Therefore, he could be treated as non-local in Hyderabad Range and since he secured higher rank, than last person he is entitled to be appointed on that ground also.

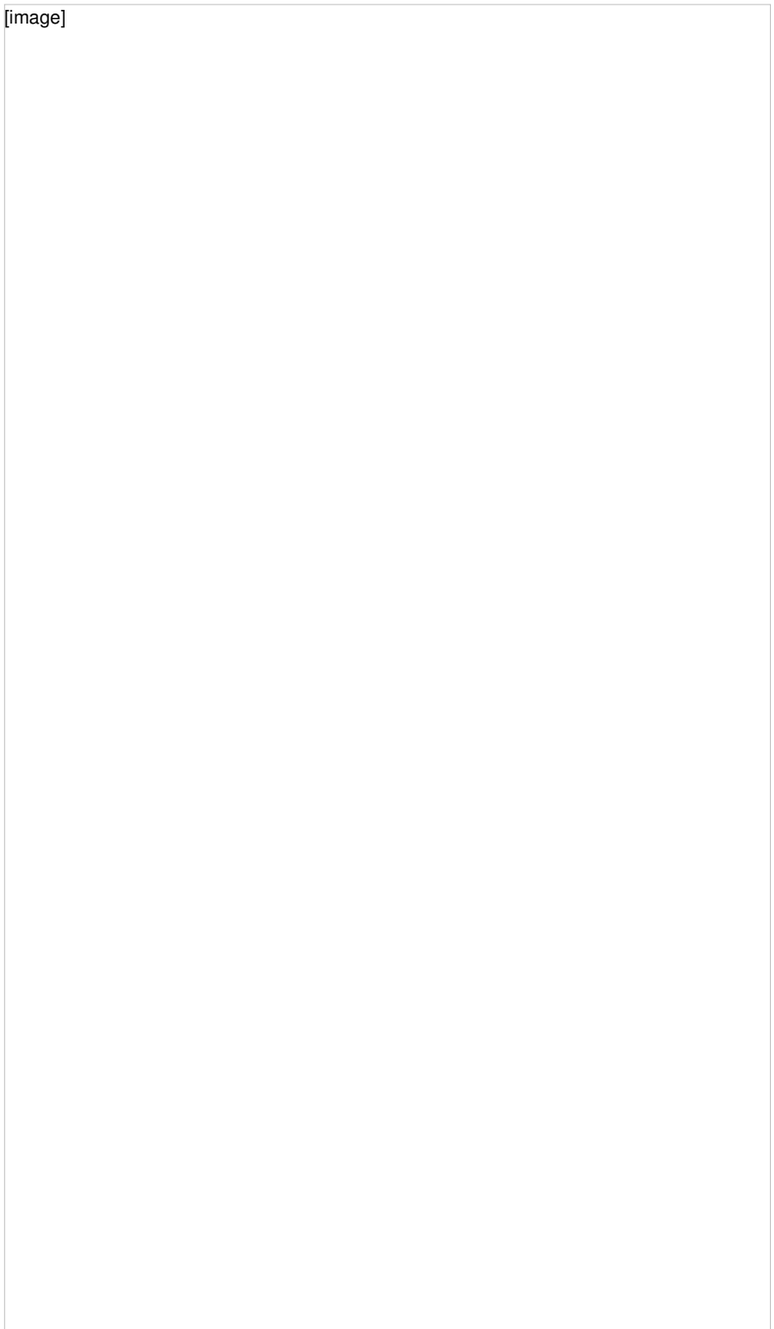
45. G. Subba Rao, Hyderabad range falls in OC/PE/NL, but none of the candidates in all other regions secured lesser marks than him and therefore, he is not entitled for appointment.

46. A. Partha Sarathi from Hyderabad range OC/PE category. He secured 173.75 whereas OC/PE category from Hyderabad, C. Harichandra Reddy secured 172 marks and hence A. Partha Sarathi is also entitled.

47. Similarly, Adapa Narasimha Rao, OC/PE from Hyderabad city secured 176.75. Since, he secured higher marks than C.Harichandra Reddy from OC/PE he is also entitled for appointment.

48. The above candidates have already been appointed by virtue of the interim Orders. In view of the above circumstances except M.G.S. Ramakrishna and G. Subba Rao, the appointment of others cannot be interfered with.

49. In respect of the other candidates, who are yet to be considered, the following is the list of the candidates: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The same process has to be applied in respect of these candidates also. It is admitted that they are within the prescribed age limits.

50. M.V. Srinivasa Rao from Hyderabad city secured 173.75. He belongs to OC/PE.NL whereas P. Venkateshwarlu was selected from BC-D/PE from Hyderabad range, who secured 171.5, less than Srinivas Rao and therefore, Srinivas Rao is entitled for appointment.

51. D. Srinivasa Rao belongs to Hyderabad city and he falls in SC /PE category, he secured 162 marks, none of the candidates in any other zones in SC/PE category or any merit or in S.C. category secured less than 162 marks and therefore, he is not entitled for appointment.

52. G. Mahender Reddy is O.C. from Hyderabad city. He secured 176.5 marks, whereas in Hyderabad range in O.C. category B. Linga Reddy was selected. He secured 176.25 marks. Therefore, he is entitled for appointment.

53. T. Lakshma Reddy, O.C./P.E. from Hyderabad city. He secured 171.25 marks, none of the other candidates in O.C. either in merit or O.C./P.E. secured less than the marks secured by Lakshma Reddy and therefore, he is not entitled for appointment.

54. S. Ravinder is not entitled to appointment as he was not in the merit list at all.

55. G. Venkat Reddy, from Hyderabad city belongs to O.C.-P.E. He secured 173.25 marks, in Hyderabad range Mr. Harichandra Reddy and P. Venkateshwarlu were selected from Hyderabad range. They secured 172 and 171.5 marks. i.e. less than the marks secured by Venkateshwar Reddy and therefore, he is also entitled for appointment.

56. G. Seetha Reddy, O.C. Hyderabad city secured 178.75 marks in Hyderabad range and the last candidate selected in O.C. is B. Linga Reddy. He secured 176.25 marks and above him also there are 8 persons, who secured less than 178.75 marks. Even in other ranges also in O.C. category, the candidates secured less than Seetha Reddy, namely Visakhapatnam range and Guntur range the selected candidates secured less than Seetha Reddy and therefore he is entitled for appointment.

57. G. Sanjeeva is from Hyderabad city. He belongs to B.C.(D). He secured 176 marks, whereas in Hyderabad range, B. Shankaraiah was selected in B.C.(D), who secured 175.75 marks i.e. less than Sanjeeva and therefore he is also entitled for appointment.

58. Ch. Venkat Reddy O.C.-P.E. from Hyderabad city secured 170.25 marks. In all other ranges, O.C. P.E. candidates secured more than the marks secured by Ch.Venkat Reddy and therefore he is not entitled for appointment.

59. B. Nagaraju, Hyderabad city, B.C(A)- P.E. secured 171.25 marks whereas in Hyderabad range last B.C.(A) candidates. P. Srinivas Naidu secured 170.75 marks and therefore, he is entitled for appointment.

60. Shaik Sulthan Basha, from Hyderabad range B.C(B) -P.E. He secured 175.50 marks. Even in Hyderabad range itself, all the candidates selected had secured less than 175.50 marks. In Hyderabad range, last candidate selected was R.Srinivas and he secured 174 marks. Therefore, he is entitled for appointment having secured more marks under B.C.(B). category. Even in non-local candidate, he secured more marks than P. Koteshwara Rao and E.Narasimha Murthy, who secured 172.75 and 171 marks respectively and therefore treating him as non-local, he is also entitled for appointment.

61. M. Rambabu, Hyderabad range. He belongs to B.C.-B/P.E. He secured 170.50 marks in all other ranges the candidates B.C.B/P.E. secured more marks than Rambabu and therefore he is not entitled for appointment.

62. N.Butchaiah, B.C-A/P.E. He secured 169.5 marks in Hyderabad range B.C-A/P.E. whereas K. Govinda Raju was selected from B.C.-A from Eluru secured 166.33 marks. Therefore, if Butchaiah is considered as non-local in Eluru range, he will be considered as having secured more marks than the selected candidate and therefore he is entitled for appointment.

63. B. Madhu Sudhan Goud, B.C.(B) from Hyderabad range secured 175 marks, whereas in Hyderabad range S. Srinivasa Rao, R. Srinivasa Rao from .B.C-B category secured 174.5 marks and 174.00 marks respectively and therefore i.e. less than marks obtained by Madhu Sudhan Goud. Even if he is to be treated s non-local in Visakhapatnam, where Koteshwar Rao and Narasimha Murthy were selected, secured 172.75 and 171 marks respectively. On this ground also, he is entitled for appointment. Accordingly, the following persons are entitled for appointment:

1. **M. Sreenivasa Rao,**
2. **G. Mahender Reddy**
3. **G. Venkat Reddy,**
4. **G.Seetha Reddy**
5. **G. Sanjeeva**
6. **B. Nagaraju**
7. **Shaik Sulthan Basha**
8. **N.Butchaiah**
9. **B. Madhu Sudhan Goud**

**CONCLUSIONS:**

64. It is to be noted that 23 persons were initially appointed by virtue of the interim orders of the tribunal. After elimination of over aged candidates and some of the candidates, who had not secured merit ranking the following candidates are entitled for appointment as S.I. of Police:

**TO BE CONTINUED**

1. **B. Prakash**
2. **N. Shankar,**
3. **P.Srishylam**
4. **P.V.Surya Mohan Rao,**
5. **A. Partha Sarathi, and**
6. **Adapa Narasimha Rao.**
7. **M. Srinivasa Rao**
8. **G. Mahender Reddy**
9. **G. Venkat Reddy**
10. **G. Seetha Reddy**
11. **G. Sanjeeva**
12. **B. Nagaraju**
13. **Shaik Sulthan Basha**
14. **N.Butchaiah**
15. **B. Madhu Sudhan Goud**

65. After adjusting the above candidates, there will left over 8 vacancies, for which the recruitment board may take appropriate steps to fill up the same in the next recruitment year.

66. Subject to the above directions, the writ petitions are accordingly ordered. No costs.

_____

G.BIKSHAPATHY, J

_____

P.S. NARAYANA, J

24-2-2005

kvrm & CHV

L.R. COPY TO BE MARKED: Yes

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the twenty fourth day of February, Two thousand and Five.

ASST. REGISTRAR

// TRUE COPY //

SECTION OFFICER

One Fair copy to the Hon'ble Sri Justice G. Bikshapathy.

(for his Lordships Kind Perusal)

One Fair copy to the Hon'ble Sri Justice P.S. Narayana.

(for his Lordships Kind Perusal)

To

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Govt. of A.P. Secretariate Buildings, Hyderabad.

2. The Secretary to Government, Home Dept. Government of

Andhra Pradesh, secretariat, Hyderabad.

3. The Government of Andhra Pradesh Rep.by its Principal

Secretary to Govt. of A.P.Genl.Admn.Department,

Secretariat Buildings, Hyderabad.

4. The Deputy Inspector General of Police, Hyderabad.

5. Commissioner of Police, Hyderabad.

6. Registrar, A.P.A.T. Purana Haveli, Hyderabad

7. The Director General & Inspector General of Police, A.P.

Hyderabad

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